

REMARKS

By this amendment, claims 17-39 have been cancelled and claims 40-51 have been added for examination. Therefore, on entering this amendment, claims 1-16 and 40-51 are all the claims pending in the application.

Claims 1-7, 12-32, and 38-39 are rejected under 35 U.S.C. § 102(b) as being anticipated by Numata et al. (US 5,625,384).

Claims 8-11, 33-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant traverses the rejections and requests reconsideration.

A. Formal Matters

As of now, two IDSs were filed in this case; the first filed on February 13, 2002, and the second filed on August 28, 2002. However, the Examiner has initialed, signed and returned a copy of only the second IDS filed on August 28, 2002. **The Examiner is once again kindly requested to consider the IDS filed on February 13, 2002 and return an initialed and signed copy of the corresponding 1449 to the Applicant.**

B. Prior Art Rejections

The Applicants thank the Examiner for the suggestions during the interview dated January 13, 2004. Claim 1 had been amended to clarify further that liquid discharging unit is

controlled based on information about the sedimentation property of the liquid in the liquid chamber.

Claim 1 requires a liquid discharging controller that can control the liquid discharging unit based on information about sedimentation-state of the liquid in the liquid chamber.

To anticipate a claim, every limitation of the rejected claim must be disclosed in the cited reference. The Examiner cites col. 43, ll. 43-50 of Numata to support the contention that Numata discloses such a controller. However, in the passage referred to by the Examiner, the following is clearly asserted:

[i]n a cartridge which has been manufactured a long time ago, since the concentration of the ink in the connected portion between the ink tank and the head cartridge has been increased, the amount of ink which is sucked or the number of times pre-discharge is conducted is increased so as to provide stable discharge of ink having an adequate concentration. Practically, the type of recovery operation to be performed is decided by the number of months between the manufacturing date and the loaded date.

The above passage clearly does not disclose any feature related to the sedimentation state of the liquid. On the other hand, the above passage refers only to the concentration of the ink in the connected portion between the ink tank and the head cartridge. Further, if there is an increase in the concentration, a **recovery operation** is performed. Such a recovery operation, which is discussed in detail in Numata with reference to Figs. 14-17, generally includes suction,

wiping, etc. Therefore, Numata discloses performing a recovery operation prior to using a new cartridge as opposed to controlling the liquid discharging unit.

On the other hand, in the present invention, as recited in claim 1, the liquid discharging controller controls the liquid discharging unit based on the sedimentation-state of the liquid in the liquid chamber.

In short, Numata does not disclose any teaching about sedimentation-state of the **liquid in the liquid chamber** as required by the present invention. Further, it does not disclose a liquid discharging controller that can control the liquid discharging unit based on information about the sedimentation-state of the liquid in the liquid chamber.

Further by disclosing the recovery operation, that involves operations like suction and wiping, Numata teaches away from the present invention. Therefore, it does not even remotely suggest the present invention.

Claims 2-7 and 12-16 are dependant on claim 1. Therefore they are allowable at least by virtue of their dependency.

Claim Objections

Claims 8-11 and 33-37 have been found allowable if rewritten to include limitations from the rejected base claims. Since, for reasons discussed above, the base claims are allowable, the dependant claims 8-11 and 33-37 should also be allowed.

New Claims

New claims 40-43 and 44-48 have been added that include the same limitations as in the allowed claims 8-11 and 33-37. Therefore they should now be allowed.

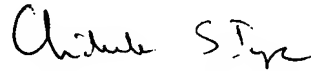
Arguments discussed above are equally valid for the newly added claims 49-51.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Chid S. Iyer
Registration No. 43,355

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 26, 2004